



Hercules Plaza, Suite 5100
1313 Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
302.777.6500
Fax 302.421.8390

Matthew A. Kaplan
direct dial: (302) 777-6528
kaplanm@pepperlaw.com

August 29, 2007

Via ECF and Hand-Delivery

The Honorable Mary Pat Thyng
J. Caleb Boggs Federal Building
844 N. King Street
Room 6100, Lockbox 8
Wilmington, DE 19801

Re: TRI-M Group, LLC v. Thomas B. Sharp, Secretary, Delaware
Department of Labor
United States District Court for the District of Delaware
C.A. No. 06-556-***

Dear Magistrate Judge Thyng:

We represent the plaintiff, Tri-M Group, LLC ("Tri-M"), in the above-referenced case. Please allow this to serve as Tri-M's interim status report pursuant to the Court's Scheduling Order of March 20, 2007.

This is an action for declaratory and injunctive relief against Defendant Thomas B. Sharp, the Secretary of the Delaware Department of Labor. Tri-M alleges that Defendant has discriminated against Tri-M and other out-of-state contractors by refusing to recognize their out-of-state registered apprentices for purposes of the Delaware Prevailing Wage Law, thereby burdening interstate commerce without justification in violation of the Commerce Clause of the United States Constitution.

As noted in Defendant's interim status report of August 27, 2007, Defendant responded to Tri-M's interrogatories, requests for production and requests for admission served on June 1, 2007, and Tri-M timely responded to Defendant's requests for production served on July 17, 2007. Pursuant to Fed. R. Civ. P. 6(e), Tri-M's responses to Defendant's interrogatories served on July 31, 2007 are due September 4, 2007 (not August 30, 2007 as stated in Defendant's report). Tri-M intends to conduct depositions of defense witnesses in September.

On August 28, 2007, the Court entered the parties' Stipulation to Amend Scheduling Order extending certain deadlines in the case. Tri-M had proposed an extension of the expert disclosure deadlines given that fact discovery was not yet complete, and Defendant agreed on the condition that the deadlines for discovery and dispositive motions be extended as well. Under the Amended Scheduling Order, Tri-M's expert disclosures are due on November 1, 2007; Defendant's

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expert disclosures are due on December 3, 2007; discovery is to be completed by December 31, 2007; and dispositive motions are due on March 17, 2008.

At this juncture, Tri-M respectfully does not concur in Defendant's request for a mediation conference.

Respectfully,

A handwritten signature in cursive script, appearing to read "Matthew A. Kaplan".

Matthew A. Kaplan (#4956)

cc: Linda Carmichael, Esquire (via ECF)